

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

TEXAS IP RESEARCH,	§	
RELATOR,	§	
	§	
VS.	§	CIVIL ACTION NO. 5:11-CV-015-DF
	§	
PENTAIR, INC., and PENTAIR	§	
WATER POOL AND SPA, INC.,	§	
DEFENDANTS,	§	

DEFENDANTS' NOTICE OF CONSTITUTIONAL CHALLENGE

Pursuant to *Federal Rule of Civil Procedure* 5.1, notice is hereby given that Defendant Pentair Residential Filtration, LLC, and Purcell Murray Builder Sales Company, Inc. ("Defendants") have challenged the *qui tam* provision in 35 U.S.C. § 292 as violating the Take Care Clause of the United States Constitution. U.S. Const. art. II, § 3.

Defendants raise their challenge in their Motion to Dismiss, filed March 18, 2011, in the above-captioned case. Pursuant to Rule 5.1(a)(2), the undersigned hereby certifies that on March 18, 2011, this NOTICE OF CONSTITUTIONAL CHALLENGE, and the MOTION AND MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION TO DISMISS were served on the U.S. Attorney General by certified mail, return receipt requested, at the following address:

United States Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dated: March 18, 2011

Respectfully submitted,

/s/ Kristie A. Wright

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***Counsel for Defendants Pentair Residential
Filtration, LLC and Purcell Murray Builder
Sales Company, Inc.***

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 18^h day of March, 2011, with a copy of this NOTICE OF CONSTITUTIONAL CHALLENGE via the Court's CM/ECF system per Local Rule CV-5(A)(3).

I further certify that on the same date true and complete copies of the NOTICE OF CONSTITUTIONAL CHALLENGE and the MOTION AND MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION TO DISMISS were also sent to the following counsel of record for Plaintiff, by means of United States mail, postage prepaid, and to the United States Attorney General, by means of certified mail.

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/s/ Kristie A. Wright

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